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June 15, 2004

4...pages including cover sheet.

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PERSON FROM:	COMPANY/DEPT FROM:	FAX NUMBER:
Diane Payne on behalf of William M. Blackstone	Intervet, Millsboro Patent Dept.	302-934-4305

RE: USSN: 10/034,500

Attorney Docket No.: 0-2000.605 US

Please accept the documents, which follow in the above-identified application. The last two pages, being pages ten and eleven of the below Power Point Presentation were not faxed with the rest of the document due to an equipment malfunction.

35 U.S.C. 112, first paragraph and the Wands Analysis Power Point Presentation pages ten and eleven of the presentation (2 pages)

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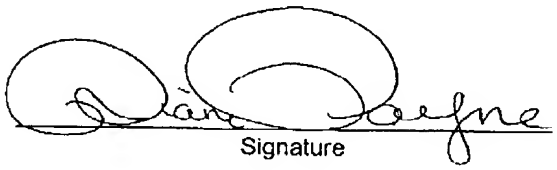

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RE: USNN: 10/034,500
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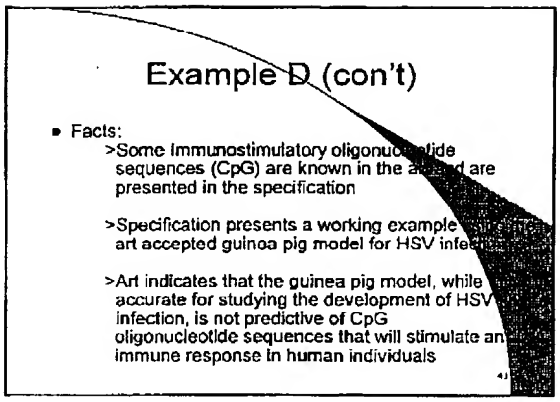
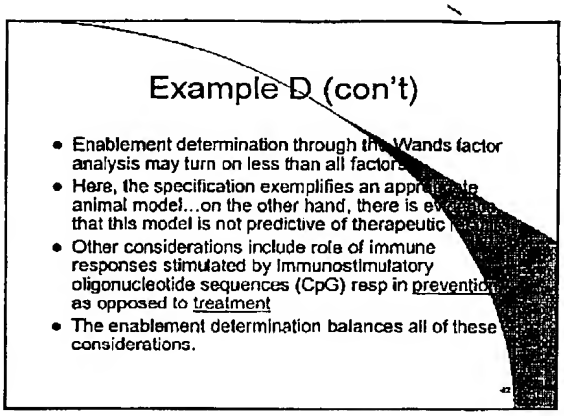
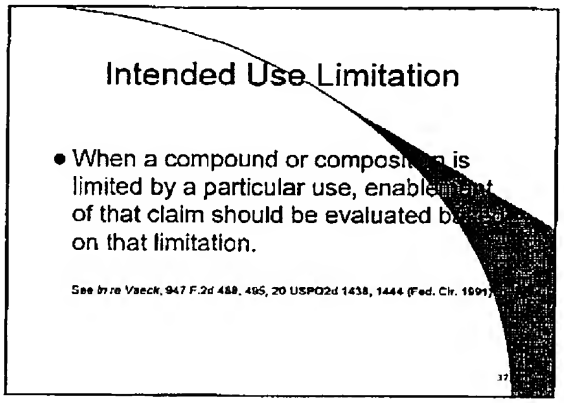
35 U.S.C. 112, first paragraph and the Wands Analysis Power Point Presentation pages ten and eleven (2 pages)
Certificate of Facsimile Transmission (1 page)






Intended Use Limitation
• When a compound or composition is limited by a particular use, enablement of that claim should be evaluated based on that limitation.
See In re Vaeck, 947 F.2d 488, 495, 20 USPQ2d 1438, 1444 (Fed. Cir. 1991)
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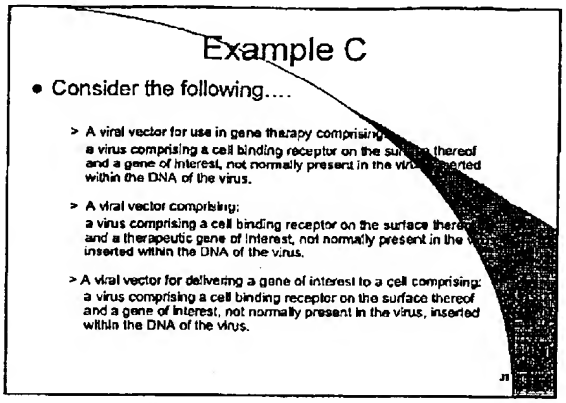
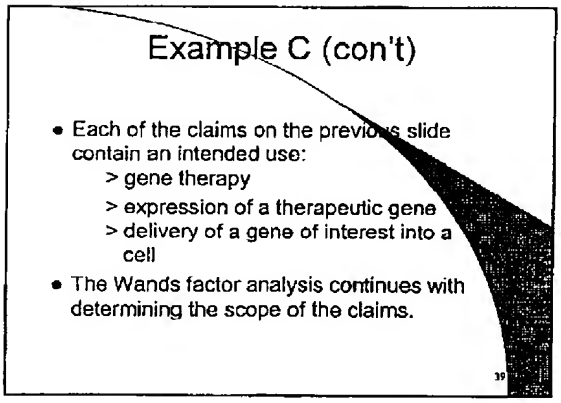

Example C
• Consider the following....
> A viral vector for use in gene therapy comprising a virus comprising a cell binding receptor on the surface thereof and a gene of interest, not normally present in the virus, inserted within the DNA of the virus.
> A viral vector comprising: a virus comprising a cell binding receptor on the surface thereof and a therapeutic gene of interest, not normally present in the virus, inserted within the DNA of the virus.
> A viral vector for delivering a gene of interest to a cell comprising: a virus comprising a cell binding receptor on the surface thereof and a gene of interest, not normally present in the virus, inserted within the DNA of the virus.


Example C (con't)
• Each of the claims on the previous slide contain an intended use:
> gene therapy
> expression of a therapeutic gene
> delivery of a gene of interest into a cell
• The Wands factor analysis continues with determining the scope of the claims.
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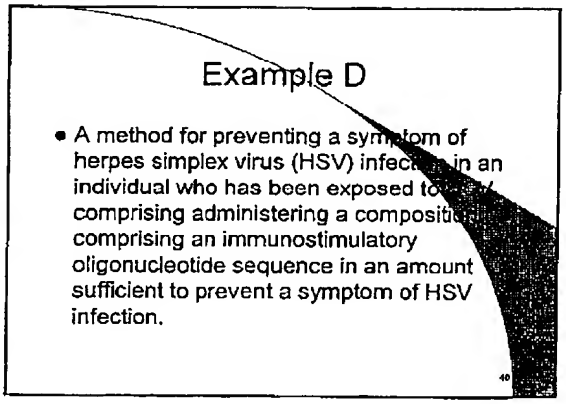
Example D
• A method for preventing a symptom of herpes simplex virus (HSV) infection in an individual who has been exposed to HSV comprising administering a composition comprising an immunostimulatory oligonucleotide sequence in an amount sufficient to prevent a symptom of HSV infection.
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